

Serial No. 10/055,194
Amdt. dated Sep. 6, 2005
Reply to Office Action of June 6, 2005

Attorney Docket No. PF02194NA

REMARKS/ARGUMENTS

Claims 1 through 3, 6 through 12, 15 through 18, 20 through 25 and 27 through 32 remain in this application. Claims 4 and 13 have been canceled without prejudice or disclaimer. Claims 1, 3, 6-9, 11, 12, 15, 17, 20-22, 24, 27-29, and 31 have been amended. Additionally, the title of the invention has been amended.

Claims 1 through 4, 6 through 13, 15 through 18, 20 through 25, and 27 through 32 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,301,609 (issued Oct. 9, 2001) to Aravamudan, et al. [hereinafter "*Aravamudan*"].

Applicant respectfully disagrees with Examiner regarding Examiner's reading of the disclosure of *Aravamudan*. Applicant admits that the system disclosed by *Aravamudan* is an IM messaging system. Further, Applicant admits that the system disclosed by *Aravamudan* provides a capability to associate information with a user device, in the precise terminology of *Aravamudan* a "CPE," the so-called "Client Premises Equipment." See col. 1, lines 25-35.

However, it is an over-reading of *Aravamudan* to interpret it to disclose the detailed information recited by Applicant's claims, specifically Applicant's claim 1 which recites "display capability, input capability, link cost, device type, latency and power of the first device." To argue that *Aravamudan* includes such capabilities as recited by Applicant's claim 1 is to approach, with all due respect to Examiner, an improper argument of inherency.

Aravamudan provides an IM user the capability of assigning, *by the user*, a priority to a buddy in an IM talk group. See col. 2, lines 35-50. Certain attributes are disclosed, that may be

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associated with member of the user's buddy list, as noted by Examiner in col. 9, lines 45-63.

However, the attributes disclosed by col. 9, lines 45-63 are specifically directed toward, and limited to, attributes commonly associated by one of ordinary skill in the art with an address book such as "the buddy's Internet address, wired telephone number, cellular phone number, facsimile number, and other data and communication CPE device numbers and addresses." See col. 9 lines 53-57.

Such address book attributes are quite different, as understood by one of ordinary skill, from attributes such as "display capability, input capability, link cost, device type, latency and power," as recited by Applicant's claim 1. Additional, patentably distinguishable, subject matter exists here over the address book disclosure of *Aravamudan*.

Applicant admits that the terminology "operating information" as recited in Applicant's claims 9, 17, and 22 may be broadly construed in accordance with Examiner's analysis. Therefore, Applicant agrees with Examiner that *Aravamudan* col. 6, lines 64 - col. 7 line 40, wherein "[t]he client CPE software generates a message indicating user's online status and current user address" could be construed as providing "operating information."

Therefore, Applicant has amended independent claims 1, 9, 17, and 22 to more narrowly recite "resource information" that "*includes* the resource information associated with display capability, input capability, link cost, device type, latency or power." (Emphasis added). Based on the above, claims 1, 9, 17 and 22 as amended patentably distinguish from *Aravamudan*.

Based on the above arguments for claim 1, which are likewise applicable to claims 9, 17 and 22, Applicant respectfully requests reconsideration and withdrawal of the § 102(e) rejections.

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Claims 3, 6-8 and 31 have been amended to better comport with the language of amended claim 1. Because claims 2, 3, 6-8 and 31 depend from and include all limitations of amended claim 1, reconsideration and withdrawal of the § 102(e) rejections for these claims is likewise requested.

Claims 11, 12, and 15 have been amended to better comport with the language of amended claim 9. Because claims 10, 11, 12, 15 and 16 depend from and include all limitations of amended claim 9, reconsideration and withdrawal of the § 102(e) rejections for these claims is requested.

Claims 20, and 21 have been amended to better comport with the language of amended claim 22. Because claims 18, 20 and 21 depend from and include all limitations of amended claim 17, reconsideration and withdrawal of the § 102(e) rejections for these claims is requested.

Claims 24, and 27-29 have been amended to better comport with the language of amended claim 22. Because claims 23-25, 27-30 and 32 depend from and include all limitations of amended claim 22, reconsideration and withdrawal of the § 102(e) rejections for these claims is requested.

The title of the specification has been amended to better comport with the "resource information" language of the amended claims.

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CONCLUSION


No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Phillips, Garland, et al.

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 09/06/05
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